

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

In the Matter of:

KATHRYN MORA
(Claimant)

PRECEDENT
BENEFIT DECISION
No. P-B-206
Case No. 75-9004

S.S.A. No.

Referee's Decision No. S-27841

The claimant appealed from the referee's decision which held that the claimant was not entitled to unemployment insurance benefits.

STATEMENT OF FACTS

The claimant is customarily employed in the sales promotional field and has also had secretarial and clerical experience. She was primarily employed in the Southern California area and last worked on or about December 30, 1974 for a catering firm in Woodland Hills, California.

The claimant's eight-year-old son has been suffering from an asthmatic condition for a number of years and the child's physician suggested to the claimant that he be moved from the atmospheric conditions prevalent in the Los Angeles basin. The doctor suggested Denver, Colorado. Since the child seemed to gain relief from his condition when visiting mountainous areas and because the claimant had friends and acquaintances in the small mountain community of Hyampon, California, she decided to move to that area. The claimant left Southern California on or about July 2, 1975.

The village of Hyampon is approximately 90 miles northwest of Redding and is reached by traveling through Hayfork and continuing some 24 miles beyond utilizing a

rough mountain road that is scheduled to be widened. Hyampon has a population of approximately 350 people and Hayfork has approximately 1,000 residents. The business community of Hyampon is comprised of a lumber mill, a forest service office, a general store, a cafe, post office and a seasonal recreation camp. Several of these activities are family operated.

The claimant had applied for work with virtually all of the employers in the area of her residence, having confined her search for employment there. She would be willing to accept whatever work might be suitable and at the prevailing wage. To the date of the hearing, the claimant had been unsuccessful in obtaining employment and had no definite job prospects in the relatively near future though she expressed a strong desire to work.

The Department provided information to indicate that most of the jobs in the area of the claimant's residence were held by long-time employees of the particular businesses, and that there was a minimal turnover in the respective work forces. Additionally, the area was described as being in a mountainous region subject to adverse traffic conditions during the winter months.

The claimant further testified that she intended to expand her search for work to the Hayfork area in the near future, but did not indicate whether she intended to look elsewhere for possible employment.

Besides the factor of her son's health, the claimant indicated that she felt that Hyampon would be a better place to raise her family since experiencing the emotional problems of a fairly recent divorce.

REASONS FOR DECISION

Section 1253(c) of the California Unemployment Insurance Code provides that a claimant is eligible to receive benefits with respect to any week only if "he was able to work and available for work for that week."

In Appeals Board Decision No. P-B-17, this Board held that to be considered available for work a claimant must

be ready, willing and able to accept suitable employment in a labor market where there is a demand for the claimant's services. However, a claimant is not available for work if through personal preference or force of circumstances a claimant imposes unreasonable restrictions on suitable work, such as limitations on hours, days, shifts, or wages, which materially reduce the possibility of obtaining employment.

The single issue to be determined in the case before us is whether by moving from Los Angeles to Hyampon the claimant withdrew from the labor market and consequently was not available for work within the meaning of section 1253(c) of the code.

In her appeal to this Board the claimant contends that she is willing and anxious to work and that job opportunities are available in Hyampon and nearby areas for the skills she has acquired.

We are persuaded that when a claimant leaves a metropolitan area where work opportunities are plentiful and moves to a small town or a rural community where such opportunities are nonexistent or extremely limited, the claimant has in effect removed herself from the labor market and made herself unavailable for work. Additionally, it is apparent to us that availability for work cannot be measured entirely by a person's willingness to work, although willingness is unquestionably an indispensable factor entering into the determination. In our view, there must be a dual finding where availability for work is at issue. First, there must be a willingness as well as readiness and ability to work, and, second, there must be some reasonable probability in the claimant's locality for obtaining suitable employment so that the willingness to work, coupled with some prospects of work, can result in a finding that during the weeks for which benefits are claimed, the claimant has been ready, willing and able to accept suitable employment in a labor market where that willingness may result in gainful employment.

In the instant case it is apparent that the claimant has moved to a lightly populated and rather remote mountain area; there are extremely limited prospects of employment in her fields of endeavor and the accessibility of the closest communities of any size are largely

proscribed due to poor roads and adverse weather conditions. In these circumstances, the conclusion is incapable that, though she is willing and anxious to find employment, the claimant has moved to an area where there is virtually no labor market for her skills and that she is therefore not available for work within the meaning of section 1253(c) of the code.

DECISION

The decision of the referee is affirmed. Benefits are denied as provided in the referee's decision.

Sacramento, California, January 29, 1976

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

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